

MONDAY, APRIL 5, 1993

TWENTY-NINTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Dr. Jeff Bell, Crieve Hall Church of Christ, Nashville, Tennessee.

Representative Arriola led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Cole (Dyer); out-of-town business.

Representative McAfee; death in family.

Representative Turner (Hamilton); illness.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

PRESENT IN CHAMBER

Representative(s) R. Jones and L. Turner was/were recorded as being present in the Chamber.

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RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 167 out of order, which motion prevailed.

House Joint Resolution No. 0167 -- General Assembly, Joint Conventions -- Medicaid, April 8, 1993, 9:00 a.m. by *Purcell, *Bittle.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM SENATE

April 5, 1993

MR. SPEAKER: I am directed to request the return of House Bill No. 34, for further consideration.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

HOUSE BILL RETURNED

The Clerk returned House Bill No. 34 to the Senate as requested.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

*House Joint Resolution No. 0162 -- Memorials, Government Officials -- Urges Bureau of Medicaid to enter into contract with Memphis and Shelby County Health Department to facilitate acquisition of matching federal Medicaid dollars to fund Campaign for Healthier Babies Project. by *Dixon, *Williams K.

Health and Human Resources Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Wednesday, April 7, 1993:

House Joint Resolution No. 0163 -- Memorials, Personal Achievement -- Mary Grace Morris, 1993 Hostess Princess. by *Ridgeway.

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House Joint Resolution No. 0164 -- Memorials, Sports -- Corrie Johnson, star Hardin County High School hoopster. by *Rinks.

House Joint Resolution No. 0165 -- Memorials, Sports -- Franklin High School girls' soccer team, state champions. by *Callicott, *Liles.

House Joint Resolution No. 0166 -- Memorials, Professional Achievement -- Willie Lee Cheers, Chaplain of the Year. by *Walley.

House Joint Resolution No. 0169 -- Memorials, Personal Achievement -- Jocleta Hamilton, 1993 Ms. Senior Tennessee. by *Phelan.

MESSAGE FROM THE SENATE
April 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 146, 148, 149 and 151; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Joint Resolution No. 0146 -- Naming and Designating -- "Arbor Day", April 9, 1993. by *Holcomb.

Senate Joint Resolution No. 0148 -- Memorials, Personal Achievement -- Misty Manners, Voice of Democracy essay winner. by *Hamilton, *Rice.

Senate Joint Resolution No. 0149 -- Memorials, Sports -- Memphis State University men's basketball team. by *Cohen.

Senate Joint Resolution No. 0151 -- Death -- J.P. "Pat" Roddy, Jr. by *Gilbert, *Atchley, *McNally, Greer, Koella.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for Wednesday, April 7, 1993:

Senate Joint Resolution No. 0109 -- Memorials, Death -- George Rooker.

Senate Joint Resolution No. 0121 -- Memorials, Public Service -- Nelson Andrews, Chairman of State of Board of Education.

Senate Joint Resolution No. 0122 -- Memorials, Sports -- Belmont University men's basketball team.

Senate Joint Resolution No. 0123 -- Memorials, Death -- Alice M. Armstrong.

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of mayoral candidates; removes prohibition against relatives of mayor or council members working for city; calls for vacancies in council to be filled after special election; places this act on ballot at next city election. by *Buck.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

*Senate Bill No. 0068 -- Water Pollution and Water Resources -- Authorizes municipalities of more than 100,000 to regulate storm water management. (HB 0056).

*Senate Bill No. 0084 -- Game and Fish Laws -- Removes requirement that landowners, tenants and their children reside on such persons' property to authorize such persons to hunt and fish without license. Amends TCA 70-2-204. (HB 0433).

*Senate Bill No. 0222 -- Solid Waste Disposal -- Requires approval of adjoining county if any solid waste processing or disposal facility is located within one mile of such county's border. Amends TCA 68-211-105. (HB 0325).

*Senate Bill No. 0286 -- Education, Higher -- Permits governing bodies of colleges and universities to award contracts for vending operations in self-supported housing facilities to any third party provider. Amends TCA, Title 49, Chs. 8, 9; Title 71, Ch. 4, Pt. 5. (HB 0785).

Senate Bill No. 0485 -- Teachers -- Requires local boards of education to develop and implement plans to recruit, employ and retain African-American teachers; provides that in the future, minority teaching fellowships will be equally divided between males and females. Amends TCA 49-1-302, 49-4-706. (HB 0285).

*Senate Bill No. 0495 -- Notice, Public -- Requires publication of certain state notices in newspapers published primarily for distribution in urban African American communities. Amends TCA, Titles 4, 12, 54. (HB 0291).

*Senate Bill No. 0739 -- Municipal Government -- Authorizes certain elected municipal employees to be reimbursed from municipal funds for actual expenses in certain circumstances. Amends TCA, Title 6, Ch. 54. (HB 1550).

*Senate Bill No. 0747 -- Racing -- Authorizes pari-mutuel betting on simulcast races; sets fees for conducting simulcast races. Amends TCA 4-36-103, 4-36-213, 4-36-303, 304, 306. (HB 1048).

*Senate Bill No. 1240 -- Youth Development, Dept. of -- Terminates at age 19 commitment of persons to department. Amends TCA 37-1-102, 131, 137. (HB 0671).

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*Senate Bill No. 1503 -- Regional Authorities -- Restricts authority of watershed districts. Amends TCA 69-7-118. (HB 1366).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1632 -- Lafayette -- Held on Clerk's desk pending approval by local delegation.

CONSENT CALENDAR

House Bill No. 0979 -- Workers' Compensation -- Requires employer who is assigned experience modification factor for determining workers' compensation premium be sent annually, at no charge, a copy of information available to insurance company relative to such experience modification factor. Amends TCA, Title 50, Ch. 6, Pt. 4.

House Bill No. 1405 -- Highway Signs -- "Historic Manskers Station Frontier Life Center," I-65.

On motion, House Bill No. 1405 was made to conform with Senate Bill No. 1466; the Senate Bill was substituted for the House Bill.

*House Joint Resolution No. 0106 -- Highway Signs -- "George S. Brown Bridge," Bridge on U.S. 19E, near Valley Forge.

*House Joint Resolution No. 0107 -- Highway Signs -- "T. N. 'Uncle Tom' Peters Memorial Bridge" overpass spanning S.R. 91 on S.R. 37 in Carter County.

House Bill No. 0486 -- County Government -- Authorizes county legislative body of county which has adopted zoning to fix compensation of planning commission members if such members also serve as zoning board for county. Amends TCA 13-3-101.

*House Bill No. 0464 -- General Assembly -- Designates official flag of general assembly. Amends TCA, Title 3.

House Bill No. 1387 -- County Government -- Allows a county with a charter form of government to pass ordinances on two readings. Amends TCA 5-1-211.

On motion, House Bill No. 1387 was made to conform with Senate Bill No. 1172; the Senate Bill was substituted for the House Bill.

*House Bill No. 0438 -- Highway Signs -- "Dandridge," I-40.

On motion, House Bill No. 438 was made to conform with Senate Bill No. 1268; the Senate Bill was substituted for the House Bill.

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House Bill No. 1622 -- Pulaski -- Authorizes mayor and board of aldermen to elect city recorder and chief of police and to set salaries of chief of police, fire chief, firemen and recorder. Amends Chapter 711, Private Acts of 1949, as amended.

House Bill No. 1624 -- Perry County -- Provides for the number, election and terms of members of board of education; divides county into school districts. Amends Chapter 264, Private Acts of 1982, as amended.

House Bill No. 1625 -- Madison County -- Repeals local authority for county democratic executive committee; transfers duties to successor entity created by state party reorganization. Repeals Chapter 111, Private Acts of 1947, as amended.

House Bill No. 1626 -- Anderson County -- Includes government owned or operated hotels in privilege tax on occupancy of hotels; exempts not for profit corporations from tax. Amends Chapter 193, Acts of 1990.

House Bill No. 1628 -- Dyersburg -- Revises city charter. Amends Chapter 410, Acts of 1903, as amended.

House Bill No. 1144 -- Metropolitan Government -- Increases number of members of board required to approve removal of member for good cause by majority vote from two thirds to three fourths. Amends TCA 7-2-108.

On motion, House Bill No. 1144 was made to conform with Senate Bill No. 596; the Senate Bill was substituted for the House Bill.

House Bill No. 0818 -- Salaries and Benefits -- Authorizes teachers in Cocke County, upon approval of trustees of sick leave bank, to elect to participate at any time during the 1992-1993 school year and to receive grants of sick leave immediately upon expiration of teacher's sick and personal leave. Amends TCA, Title 49, Ch. 5, Pt. 8.

House Bill No. 0975 -- Zoning -- Authorizes county legislative body to arrange terms of zoning board so that no member's term exceeds five years. Amends TCA 13-7-106.

On motion, House Bill No. 975 was made to conform with Senate Bill No. 887; the Senate Bill was substituted for the House Bill.

House Bill No. 0697 -- Highway Signs -- "International Grand Championship Walking Horse Show," Murfreesboro.

On motion, House Bill No. 697 was made to conform with Senate Bill No. 783; the Senate Bill was substituted for the House Bill.

House Bill No. 1618 -- Oneida -- Makes mayor eligible for benefits given other town employees. Amends Chapter 211, Private Acts of 1917, as amended.

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Senate Joint Resolution No. 0117 -- Memorials, Death -- "Aunt Mollie" Walton.

Senate Joint Resolution No. 0118 -- Memorials, Sports -- East Hickman Middle School girls' basketball team.

Senate Joint Resolution No. 0119 -- Memorials, Public Service -- Dottie and Bernie Cresap, creation of catalogue for Sumner County archives.

Senate Joint Resolution No. 0120 -- Memorials, Retirement -- Reverend Gill H. Gordon.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 1020 -- Handicapped Persons -- Enables certain disabled persons who own business enterprises to qualify for state purchasing set aside programs. Amends TCA 4-26-102, 12-3-802, 39-14-137, 49-8-114, 54-1-124.

Further consideration of House Bill No. 1020, previously considered on March 29, 1993, at which time it was reset to the Calendar for April 5, 1993.

Rep. Odom moved that House Bill No. 1020 be reset to the first

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available space to the Calendar for Wednesday, April 7, 1993, which motion prevailed.

House Bill No. 0342 -- Sunset Laws -- Department of human services, June 30, 2000. Amends TCA, Title 4, Chs. 3, 29.

Further consideration of House Bill No. 342, previously considered on March 29, 1993, at which time it was reset to the Calendar for April 5, 1993.

On motion, House Bill No. 342 was made to conform with Senate Bill No. 100; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 100 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union) Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0429 -- Utilities, Utility Districts -- Modifies method of selecting trustees for board of directors of Citizens Gas Utility District of Scott and Morgan counties. Amends Chapter 225, Public Acts of 1959, as amended.

Further consideration of House Bill No. 429, previously considered on March 22 and 29, 1993, at which time it was reset to the Calendar for April 5, 1993.

On motion, House Bill No. 429 was made to conform with Senate Bill No. 381; the Senate Bill was substituted for the House Bill.

Rep. Windle moved that Senate Bill No. 381 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. 96
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1213 -- Physicians and Surgeons -- Prohibits physician self referral to entities, effective July 1, 1995, in which has interest and does not provide direct health care or services; prohibits cross referral arrangements; authorizes imposition of civil penalties. Amends TCA, Title 63, Ch. 6.**

Rep. Herron moved that House Bill No. 1213 be passed on third and final consideration.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 1, seconded by Rep. Herron, as follows:

Amendment No. 1

Amend House Bill No. 1213 by changing the number of the second Section 3 of the printed bill to Section 4, and by renumbering subsequent sections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Dixon moved adoption of Health and Human Resources Committee Amendment No. 2, seconded by Rep. Herron, as follows:

Amendment No. 2

Amend House Bill No. 1213 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The definition of investment interest shall not include a publicly traded entity in which such physician has an investment interest if all of the

following requirements are met:

(1) The entity's stock is listed for trading on the New York Stock Exchange or the American Stock Exchange or is a national market system security traded under an automated interdealer quotation system operated by the National Association of Securities Dealers; and

(2) The entity had, at the end of the corporation's most recent fiscal year, total assets of at least \$50,000,000, determined in accordance with generally accepted accounting principles, related to the furnishing of health services; and

(3) The entity markets and furnishes its services to physician-investors and other physicians on the same and equal terms; and

(4) All stock of the entity, including the stock of any predecessor privately held company, is one class without preferential treatment as to status or remuneration; and

(5) The entity does not issue loans or guarantee any loans for physicians who are in a position to refer patients to such entity if the physician uses any portion of such loan to obtain the investment interest; and

(6) The income on the physician's investment is not tied to referral volumes and is directly proportional to the physician's equity interest in the entity; and

(7) The physician's investment interest does not exceed one-half ($1/2$) of one percent (1%) of the entity's total equity; and

(8) The physician purchases the investment interest either:

(A) on terms generally available to the public; or

(B) in exchange for an investment interest acquired by the physician before July 1, 1993, provided the terms of the exchange are consistent with fair market value in an arms-length transaction and are not related to the volume or value of any referrals from the physician to the corporation and the investment interest is not held after December 31, 1997.

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On motion, Amendment No. 2 was adopted.

Rep. Williams (Williamson) moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 1213 by adding the following as a new section to precede the effective date section:

SECTION ____ . Physicians required to dispose of an ownership interest in a health care entity or to cease referring patients to a health care entity due to the provisions of this act shall be entitled to apply to the department of health for reimbursement of the difference between the fair market value of the health care entity upon the passage of this act and the fair market value as of July 1, 1995. The board for licensing health care facilities shall review the fair market value of the health care facility and shall determine if the fair market value has decreased as the result of this act. The review of the board for licensing health care facilities shall be binding upon the department of health. A physician aggrieved by a review of the department of health may appeal such decision to the chancery court of Davidson County. There shall be a rebuttable presumption that the review of the board for licensing health care facilities is a true and correct indication of the effect of this act upon the fair market value of such health care entity.

Rep. Rhinehart moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.	71
Noes.	16
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Buck, Byrd, Chiles, Chumney, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kisber, Lewis, Liles, Love, McDaniel, McKee, Miller, Mires, Napier, Odom, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stulce, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Wood -- 71.

Representatives voting no were: Boyer, Callicott, Gunnels, Joyce, Kernell, Knight, Meyer, Moore, Robinson, Stockburger, Thompson, Westmoreland, Williams (Union), Williams (Williamson), Windle, Winningham -- 16.

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Representatives present and not voting were: Brooks, Brown, Owenby -- 3.

Rep. Dixon moved to adopt Amendment No. 4 as follows:

Amendment No. 4

Amend House Bill No. 1213 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ . Physicians are encouraged to seek out potential buyers of a minority race before disposing of facilities or equipment regulated by this act. Upon request, the office of minority business enterprise in the department of economic and community development shall provide information relative to potential minority purchasers.

On motion, Amendment No. 4 was adopted.

Rep. Herron moved that House Bill No. 1213, as amended, be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes.	80
Noes.	12
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Walley, West, Whitson, Windle, Winningham, Wix, Wood -- 80.

Representatives voting no were: Callicott, DeBerry, Duer, Hassell, Kernell, Shirley, Stockburger, Venable, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson) -- 12.

Representatives present and not voting were: Moore -- 1.

Rep. Herron moved that House Bill No. 1213, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.	91
Noes.	3
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Moore, Westmoreland, Williams (Williamson) -- 3.

Representatives present and not voting were: Wix -- 1.

A motion to reconsider was tabled.

House Bill No. 0831 -- Sexual Offenses -- Makes clear that unlawful sexual contact with victim less than 13 years of age constitutes offense of aggravated sexual battery. Amends TCA 39-13-504.

Rep. Herron moved that House Bill No. 831 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0
Present and not voting.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

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Representatives present and not voting were: Head -- 1.

A motion to reconsider was tabled.

House Bill No. 1534 -- General Assembly, Directed Studies -- Requires sentencing commission to study methods and consequences of adopting "truth-in-sentencing" scheme; requires report on results by January 1, 1994. Amends TCA, Title 40, Ch. 37.

Rep. Purcell moved that **House Bill No. 1534** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	91
Noes.	4

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Wailey, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Callicott, Chiles, Gungels, Shirley -- 4.

A motion to reconsider was tabled.

House Bill No. 0669 -- State Government -- Creates 1996 Tennessee Bicentennial Commission. Amends TCA, Title 4.

On motion, House Bill No. 669 was made to conform with **Senate Bill No. 1238**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that **Senate Bill No. 1238** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson,

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Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 0649 -- Children, Employment of -- Allows civil penalties for employers' violation of child labor laws; requires employers to provide break period for child laborers. Amends TCA, Title 50, Ch. 5.

Rep. Purcell moved that House Bill No. 649 be passed on third and final consideration.

Rep. Clark moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 649 by deleting Sections 1 through 3 of the original Bill and by substituting instead the following new sections:

SECTION 1. Tennessee Code Annotated, Section 50-5-112(a), is amended by deleting the present language in its entirety and by substituting the following language:

(a) any employer as defined in Section 50-5-102(5) who violates any provision of this chapter, or hinders or obstructs the department in administering or enforcing the provisions of this chapter or any parent or guardian who permits a child under such parent's or guardian's control or custody to work in violation of the provisions of the chapter commits a Class A misdemeanor. Further, at the discretion of the commissioner, the employer shall be subject to a civil penalty of not less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000). In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. If the commissioner determines that the violation was unintentional there shall be a warning, in lieu of, a penalty on the first offense. On second or subsequent violations the civil penalty is applicable. It shall

be at the sole discretion of the commissioner to elect to proceed either civilly or criminally upon any violation of this part, however, the employer shall not be charged both civilly and criminally for the same violation.

SECTION 2. Tennessee Code Annotated, Title 50, Chapter 5, is amended by adding a new section as follows:

Section _____. A minor must have a thirty (30) minute unpaid break or meal period if scheduled to work six (6) hours consecutively. Such break shall not be scheduled during or before the first hour of scheduled work activity.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved to adopt Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 649 by deleting Sections 1 through 3 of the original bill and by substituting instead the following new sections:

SECTION 1. Tennessee Code Annotated, Section 50-5-112(a), is amended by deleting the present language in its entirety and by substituting the following language:

(a) any employer as defined in Section 50-5-102(5) who violates any provision of this chapter, or hinders or obstructs the department in administering or enforcing the provisions of this chapter or any parent or guardian who permits a child under such parent's or guardian's control or custody to work in violation of the provisions of the chapter commits a Class A misdemeanor. Further, at the discretion of the commissioner, the employer shall be subject to a civil penalty of not less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000). In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. If the commissioner determines that the violation was unintentional there shall be a warning, in lieu of, a penalty on the first offense. On second or subsequent violations the civil penalty is applicable. It shall be at the sole discretion of the commissioner to elect to proceed either civilly or criminally upon any violation of this part, however, the employer shall

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not be charged both civilly and criminally for the same violation.

SECTION 2. Tennessee Code Annotated, Title 50, Chapter 5, is amended by adding a new section as follows:

Section _____. A minor must have a thirty (30) minute unpaid break or meal period if scheduled to work six (6) hours consecutively, except in workplace environments, that by their nature of business provide for ample opportunity to rest or take an appropriate break. Such break shall not be scheduled during or before the first hour of scheduled work activity.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Shirley moved to table Amendment No. 2, which motion died for lack of a second.

Rep. Rhinehart moved the previous question on Amendment No. 2, which motion prevailed by the following vote:

Ayes.	68
Noes.	22
Present and not voting.	2

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Buck, Byrd, Chumney, Clark, Cote (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Haun, Head, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kisber, Knight, Lewis, Love, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Shelby), Venable, West, Westmoreland, Windle, Winningham, Wix, Wood -- 68.

Representatives voting no were: Allen, Bittle, Brown, Callicott, Coffey, Duer, Halteman Harwell, Hassell, Herron, Joyce, Liles, McDaniel, Meyer, Peroulae Draper, Ramsey, Shirley, Stamps, Stockburger, Walley, Williams (Shelby), Williams (Union), Williams (Williamson) -- 22.

Representatives present and not voting were: Kernell, Ritchie -- 2.

On motion, Amendment No. 2 was adopted by the following vote:

Ayes.	88
Noes.	8

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott,

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Chiles, Chumney, Clark, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Bittle, Coffey, Joyce, Liles, Meyer, Ramsey, Shirley, Stockburger -- 8.

Rep. Joyce moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 649 by deleting in Section 1(a) the language "not less than one hundred fifty dollars (\$150) nor more than one thousand dollars (\$1,000)" and by substituting the language "not less than fifty dollars (\$50) nor more than one hundred fifty dollars (\$150)".

Rep. Purcell moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes.	67
Noes.	29

Representatives voting aye were: Armstrong, Bell, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Cole (Carter), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Haley, Hargrove, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Stulce, Thompson, Tindell, Turner (Shelby), West, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Allen, Anderson, Arriola, Bittle, Boyer, Callicott, Chiles, Coffey, Davis, Duer, Gunnels, Halteman Harwell, Hassell, Haun, Jones R (Shelby), Joyce, Liles, Meyer, Peroulas, Draper, Ramsey, Severance, Shirley, Stamps, Stockburger, Venable, Walley, Westmoreland, Williams (Union), Wood -- 29.

Rep. Purcell moved that House Bill No. 649, as amended, be passed on third and final consideration.

Rep. Severance moved the previous question, which motion prevailed.

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Rep. Purcell moved that House Bill No. 649, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	89
Noes.	6

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Love, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Coffey, Liles, Meyer, Ramsey, Shirley, Stockburger -- 6.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 0648 -- Employees, Employers -- Allows for civil penalties for violations of laws regarding payment of employees in private service; requires employers to make available all payroll records; requires employers to provide break times for employees. Amends TCA, Title 50, Ch. 2.

Rep. Purcell moved that House Bill No. 648 be passed on third and final consideration.

Rep. Purcell moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 648 by deleting Sections 1 through 5 of the original bill and by substituting instead the following new sections:

SECTION 1. Tennessee Code Annotated, Section 50-2-103(g), is amended by deleting the present language

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and substituting the following language:

(g) A violation of this section is a Class B misdemeanor, punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Further, every employer, partnership or corporation willfully violating any provision contained in subsections (a) through (f) shall be subject to a civil penalty of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) at the discretion of the commissioner. Each and every infraction shall constitute a separate and distinct offense. If the commissioner determines that the violation was unintentional there shall be a warning, in lieu of, a penalty on the first offense. On second or subsequent violations, the civil penalty is applicable. It shall be at the sole discretion of the commissioner to elect to proceed either civilly or criminally upon any violation of this part, however, the employer shall not be charged both civilly and criminally for the same violation.

SECTION 2: Tennessee Code Annotated, Section 50-2-104, is amended by deleting the present language and substituting the following language:

Any employer who misrepresents to any employee the amount of wages which such employee is to receive on entering into a new contract of employment commits a Class C misdemeanor. Further, any employer who misrepresents to any employee the amount of wages which such employee is to receive on entering into a new contract of employment shall be subject to a civil penalty of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) at the discretion of the commissioner. If the commissioner determines that the violation was unintentional there shall be a warning, in lieu of, a penalty on the first offense. On second or subsequent violations the civil penalty is applicable. It shall be at the sole discretion of the commissioner to elect to proceed either civilly or criminally upon any violation of this part, however, the employer shall not be charged both civilly and criminally for the same violation.

SECTION 3. Tennessee Code Annotated, Section 50-2-103, is amended by adding the following sentence at the end of subsection (h):

Each employer, during normal business hours, shall make available to inspectors of the department of labor specific wage and payroll records of its employees maintained on the premises that are pertinent to a written complaint. Records that are

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maintained off the premises or inaccessible shall be made available to the inspectors on a timely basis as agreed upon by the inspector and the employer.

SECTION 4. Tennessee Code Annotated, Section 50-2-103, is amended by adding the following sentence at the end of subsection (d):

Each employee must have a thirty (30) minute unpaid rest break or meal period if scheduled to work six (6) hours consecutively, except in workplace environments that by their nature of business provide for ample opportunity to rest or take an appropriate break. Such break shall not be scheduled during or before the first hour of scheduled work activity.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bell moved the previous question, which motion prevailed.

Rep. Purcell moved that House Bill No. 648, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	62
Noes.	30

Representatives voting aye were: Armstrong, Bell, Brooks, Brown, Buck, Byrd, Chumney, Clark, Collier, Crain, Cross, Davidson, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Lewis, Love, Miller, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Shelby), Walley, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix. Mr. Speaker Naifeh -- 62.

Representatives voting no were: Allen, Anderson, Arriola, Bittle, Boyer, Bragg, Callicott, Chiles, Coffey, Cole (Carter), Dyer, Halteman Harwell, Hassell, Haun, Head, Joyce, Kent, Liles, McDaniel, McKee, Meyer, Ramsey, Ritchie, Shirley, Stamps, Stockburger, Venable, Westmoreland, Williams (Union), Wood -- 30.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

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REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from no to aye on House Bill No. 648 and have this statement entered in the Journal: Rep(s). Bragg.

REGULAR CALENDAR, CONTINUED

House Bill No. 0331 -- Sunset Laws -- State building commission, June 30, 2001. Amends TCA, Title 4, Chs. 15, 29.

On motion, House Bill No. 331 was made to conform with Senate Bill No. 105; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 105 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Maifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 0344 -- Sunset Laws -- Department of labor, June 30, 2001. Amends TCA, Title 4, Chs. 3, 29.

On motion, House Bill No. 344 was made to conform with Senate Bill No. 115; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 115 be reset one week to the Calendar for Monday, April 12, 1993, which motion prevailed.

House Bill No. 0790 -- Juvenile Offenders -- Allows child to be fingerprinted if charged with delinquent act which if committed by adult would be felony. Amends TCA, Title 37, Ch. 1, Pt. 1.

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Rep. U. Jones moved that House Bill No. 790 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 790 by adding the following to the end of the amendatory language of SECTION 1:

Such fingerprint file shall only be accessible to law enforcement officers or to the court and shall be maintained separate and apart from adult fingerprint files.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved that House Bill No. 790, as amended, be passed on third and final consideration.

Rep. U. Jones requested that House Bill No. 790 be moved to the heel of the Calendar.

***House Bill No. 0587 -- Judges and Chancellors --** Authorizes retired state, county and municipal judges and retired federal judges and magistrates to go armed. Amends TCA 39-17-1308.

Rep. Napier moved that House Bill No. 587 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 587 by deleting the punctuation "." at the end of the amendatory language of Section 1, and adding the following words "or by any district attorney general who has served a full term of office."

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 587 by adding the following language to the end of subdivision (7) of the amendatory language of SECTION 1:

The defense to the application of Tennessee Code

Annotated, Section 39-17-1307 provided by this subdivision shall only be available to a retired state, county or municipal judge, a retired federal judge or magistrate, or a district attorney general if such retired judge or district attorney has successfully completed and continues to successfully complete a firearm training program meeting the requirements of Tennessee Code Annotated, Section 39-17-1315 (a).

On motion, Amendment No. 2 was adopted.

Rep. Napier moved that House Bill No. 587, as amended, be passed on third and final consideration.

Rep. Haun moved to adopt Amendment No. 3 as follows:

Amendment No. 3

Amend House Bill No. 587 by deleting the period at the end of the amendatory language in Section 1 and by adding the following:

; or by any person who has been a resident of the state of Tennessee for at least one (1) year and who has completed a gun safety course.

Rep. Napier requested that House Bill No. 587 be moved to the heel of the Calendar.

*House Bill No. 0918 -- Juries and Jurors -- Permits judge to postpone the term of jury service for juror and designate alternate date for such service. Amends TCA, Title 22.

Rep. Anderson moved that House Bill No. 918 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams

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(Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 0755 -- Divorce and Annulment -- Permits modification of rehabilitative alimony award upon showing of substantial and material change of circumstances. Amends TCA 36-5-101.

Rep. Kisber moved that House Bill No. 755 be reset to the next available space to the Calendar for Wednesday, April 7, 1993, which motion prevailed.

*House Bill No. 1100 -- Wildlife Resources Commission -- Authorizes wildlife resources commission to establish permit requirement for spraying herbicides on waters of state. Amends TCA, Titles 69, 70.

Rep. Jackson moved that House Bill No. 1100 be reset to the next available space to the Calendar for Wednesday, April 7, 1993, which motion prevailed.

House Bill No. 0790 -- Juvenile Offenders -- Allows child to be fingerprinted if charged with delinquent act which if committed by adult would be felony. Amends TCA, Title 37, Ch. 1, Pt. 1.

Further consideration of House Bill No. 790, previously considered on today's Calendar.

Rep. Thompson moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 790 by adding the following to amend the amendatory language to Section 1 as amended:

Such law enforcement officers or court shall not disclose or tender or both such fingerprint file to any representative of a branch of the United States Armed Forces or to the Tennessee National Guard. Such law enforcement officers or court shall not produce such fingerprint file pursuant to a subpoena absent adequate notice to such party.

On motion, Amendment No. 2 was adopted.

Rep. U. Jones moved that House Bill No. 790, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

***House Bill No. 0587 -- Judges and Chancellors --** Authorizes retired state, county and municipal judges and retired federal judges and magistrates to go armed. Amends TCA 39-17-1308.

Further consideration of House Bill No. 587, previously considered on today's Calendar.

Rep. Haun moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Haun moved to adopt Amendment No. 4 as follows:

Amendment No. 4

Amend House Bill No. 587 by deleting the period at the end of the amendatory language in Section 1 and by adding the following:

; or by any person of thirty (30) years of age who has been a resident of the state of Tennessee for at least one (1) year, who has not been convicted of a misdemeanor or felony, and who has completed a gun safety course.

Rep. Buck moved that Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes.	39
Noes.	49
Present and not voting.	2

Representatives voting aye were: Armstrong, Bell, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Cole (Carter), Collier, Crain, DeBerry, Fisher, Fowlkes, Gunnels, Hargrove, Herron, Hillis, Jackson, Jones R (Shelby), Kent, Kernell, Miller, Mires, Moore,

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Napier, Odom, Owenby, Phillips, Pruitt, Purcell, Rhinehart, Robinson, Stulce, Thompson, Turner (Shelby), Winningham, Wix -- 39.

Representatives voting no were: Allen, Anderson, Arriola, Bittle, Boyer, Callicott, Chiles, Cross, Davidson, Davis, Dixon, Ferguson, Haley, Halteman Harwell, Hassell, Haun, Head, Huskey, Johnson, Joyce, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Peroulas Draper, Phelan, Pinion, Ramsey, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Tindell, Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wood -- 49.

Representatives present and not voting were: Duer, Mr. Speaker Naifeh -- 2.

Rep. Purcell moved the previous question on Amendment No. 4, which motion prevailed.

Amendment No. 4 failed to be adopted by the following vote:

Ayes	21
Noes	70
Present and not voting	1

Representatives voting aye were: Arriola, Bittle, Callicott, Chiles, Cole (Carter), Cross, Davis, Ferguson, Haun, Huskey, Joyce, Liles, McDaniel, Meyer, Ramsey, Shirley, Stockburger, Westmoreland, Williams (Williamson), Windle, Wood -- 21.

Representatives voting no were: Allen, Anderson, Armstrong, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Collier, Crain, Davidson, DeBerry, Dixon, Duer, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Love, McKee, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Mr. Speaker Naifeh -- 70.

Representatives present and not voting were: Pinion -- 1.

Rep. Arriola moved to adopt Amendment No. 5 as follows:

Amendment No. 5

Amend House Bill No. 587 by deleting the period at the end of the amendatory language of Section 1 and adding the following:

, or by the principal or owner of any business located in the state of Tennessee.

Rep. Napier moved that Amendment No. 5 be tabled, which motion prevailed, with Reps. Arriola, Windle and Ferguson requesting to be

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recorded as voting no on the tabling motion.

Rep. Napier moved that House Bill No. 587, as amended, be passed on third and final consideration.

Rep. Fisher moved the previous question, which motion prevailed by the following vote:

Ayes.	70
Noes.	20
Present and not voting.	1

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Buck, Byrd, Chumney, Clark, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Johnson, Joyce, Kent, Kisber, Lewis, Love, Miller, Mires, Moore, Napier, Odom, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Walley, West, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wix -- 70.

Representatives voting no were: Anderson, Bittle, Brown, Callicott, Chiles, Duer, Haley, Haun, Jones R (Shelby), Knight, McDaniel, McKee, Meyer, Peroulas Draper, Ramsey, Stockburger, Venable, Westmoreland, Williams (Shelby), Wood -- 20.

Representatives present and not voting were: Kernell -- 1.

Rep. Napier moved passage of House Bill No. 587 as amended, on third and final consideration, which motion failed by the following vote:

Ayes.	48
Noes.	41
Present and not voting.	4

Representatives voting aye were: Anderson, Bell, Buck, Byrd, Chumney, Clark, Cole (Carter), Collier, Crain, Davidson, Ferguson, Fisher, Fowlkes, Givens, Hargrove, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Kent, Kernell, Kisber, Lewis, Love, McDaniel, Meyer, Mires, Moore, Napier, Owenby, Phelan, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ritchie, Robinson, Stulce, Thompson, Turner (Shelby), Venable, Walley, Williams (Williamson), Windle, Wix, Mr. Speaker Naifeh -- 48.

Representatives voting no were: Allen, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Callicott, Chiles, Cross, DeBerry, Dixon, Duer, Gunnels, Haley, Halteman Harwell, Hassell, Haun, Head, Jones U (Shelby), Joyce, Liles, McKee, Miller, Peroulas Draper, Ramsey, Ridgeway, Rigsby, Rinks, Severance, Shirley, Stamps, Stockburger, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Winningham, Wood -- 41.

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Representatives present and not voting were: Coffey, Knight, Odom, Tindell -- 4.

Pursuant to Rule No. 39, House Bill No. 587, having failed to receive a constitutional majority, was re-referred to the Calendar and Rules Committee.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

*House Bill No. 0034 -- Home Improvement Contractors -- Makes provisions of Home Improvement Licensing Act applicable only in four largest counties; provides for refund of fees paid in other counties; exempts certain church sanctuaries from Contractors Licensing Act of 1976. Amends TCA 62-6-103; Title 62, Ch. 37.

Rep. Buck moved to reset House Bill No. 34 to the Message Calendar for Wednesday, April 7, 1993, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 0404 -- Nurseries -- Requires the department of agriculture to encourage and support statewide development of nursery stock production. Amends TCA, Title 43, Ch. 1, Pt. 1.

Senate Amendment No. 1

Amend House Bill No. 404 by adding to the end of the first sentence (a) of Section 1 after the words "nursery stock production" the words "and sales".

Rep. Crain moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 404, which motion prevailed by the following vote:

Ayes.	89
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr.

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Speaker Naifeh -- 89.

Representatives voting no were: Haun -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from no to aye on the motion to concur in Senate Amendment No. 1 to House Bill No. 404 and have this statement entered in the Journal: Rep(s). Haun.

MESSAGE CALENDAR, CONTINUED

MOTION TO RECONSIDER

Rep. Herron moved to lift from the table the motion to reconsider Senate Bill No. 664, which motion prevailed.

*Senate Bill No. 0664 -- Boards and Commissions -- Requires governor to appoint one citizen member to each health related board which does not have citizen member; term shall be same as other members of board to which such person appointed. Amends TCA, Title 63.

Rep. Herron moved to reconsider action in passing Senate Bill No. 664, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 2. On motion, Amendment No. 2 was withdrawn by the following vote:

Ayes.	71
Noes.	20

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Duer, Ferguson, Fisher, Fowlkes, Givens, Haley, Halteman Harwell, Hassell, Haun, Hillis, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McKee, Meyer, Miller, Mires, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rinks, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Wix, Wood -- 71.

Representatives voting no were: Bittle, Brown, DeBerry, Dixon, Gunnels, Hargrove, Head, Lewis, McDaniel, Moore, Rhinehart, Ridgeway, Rigby, Ritchie, Venable, West, Williams (Williamson), Windle, Wittingham, Mr. Speaker Naifeh -- 20.

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Rep. Herron moved that **Senate Bill No. 664**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	67
Noes.	23
Present and not voting.	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Gunnels, Haley, Haltaman, Harwell, Hassell, Haun, Herron, Hillis, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Knight, Liles, Love, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Pinion, Pruitt, Purcell, Ramsey, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Walley, Westmoreland, Whitson, Williams (Shelby), Windle, Wix, Wood -- 67.

Representatives voting no were: Bittle, Callicott, Chiles, Cross, Davidson, Hargrove, Head, Kisber, Lewis, McDaniel, Meyer, Phillips, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Stockburger, West, Williams (Union), Williams (Williamson), Winningham, Mr. Speaker Naifeh -- 23.

Representatives present and not voting were: Givens, Joyce, Venable -- 3.

A motion to reconsider was tabled.

House Bill No. 0935 -- Utilities, Utility Districts -- Enacts "Underground Utility Damage Prevention Act". Amends TCA, Title 65, Ch. 31.

Rep. Buck moved to reset House Bill No. 935 to the Message Calendar for Monday, April 12, 1993, which motion prevailed.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 686; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 641; substituted for Senate Bill(s) on same

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subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill No. 34.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 5, withdrew Amendment No. 5, adopted Amendment No. 6, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 7.

The Senate concurred in House Amendment(s) No(s). 1, and nonconcurred in House Amendment(s) No(s). 3.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 374.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 2.

The Speaker appointed a Conference Committee composed of Senators Atchley, Kyle and Hamilton to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 374.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Wednesday, April 7, 1993:

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House Bill No. 641: Rep. Purcell.

House Bill No. 686: Rep. Hargrove.

Senate Bill No. 374: Rep. Peroulas Draper.

RULES SUSPENDED

Rep. Ramsey moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 146 out of order, which motion prevailed.

*Senate Joint Resolution No. 0146 -- Naming and Designating -- "Arbor Day", April 9, 1993.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Ramsey, the resolution was concurred in.

A motion to reconsider was tabled.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 482: Rep(s). Kernell as prime sponsor(s).

House Bill No. 540: Rep(s). Joyce as prime sponsor(s).

House Bill No. 648: Rep(s). Givens as prime sponsor(s).

House Bill No. 649: Rep(s). Givens as prime sponsor(s).

House Bill No. 831: Rep(s). Hargrove, Halteman Harwell and Walley as prime sponsor(s).

House Bill No. 1213: Rep(s). Haley as prime sponsor(s).

REQUEST TO BE ADDED AS SPONSOR

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

House Bill No. 75: Rep(s). Kent.

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APPOINTMENT

Pursuant to House Resolution No. 22, the Speaker appointed the following to the Committee: Reps. Buck, Purcell, DeBerry, Hargrove, Williams (Shelby) and Anderson; the senior member of the House will consult with the senior member from the Senate for a meeting time.

ENGROSSED BILLS

April 5, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 167.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 523 and 542; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 5, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 464, 486, 818, 831, 979, 1213, 1534, 1618, 1622, 1624, 1625, 1626 and 1628; also, House Joint Resolution(s) No(s). 106 and 107.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 647, 771 and 791; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1435 and 1601; substituted for Senate Bill(s) on the

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same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 5, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 648, 649, 790 and 918.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 45, 46 and 71; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 167; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 5, 59, 160, 561, 680, 684, 794, 930, 1219 and 1252; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 114, 151, 497, 574, 733, 1066, 1160, 1606, 1610, 1613, 1614, 1615, 1616, 1617 and 1621; also, House Joint Resolution(s) No(s). 132 and 141; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 88 and 155; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Joint Resolution No. 0088 -- Naming and Designating -- "Thomas C. Clark Administration Building," Camp Clement. by *Elsa.

Senate Joint Resolution No. 0155 -- Memorials, Public Service -- Union Planters National Bank, Employee volunteer program IMPACT. by *Albright.

MESSAGE FROM THE SENATE

April 5, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 155, 281, 445, 659, 700, 745, 828, 845, 882 and 1205; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 0155 -- Education -- Restricts use of funds for retirement of principal and interest on school bonds where funds have not been previously apportioned to LEAs. Amends TCA, Title 49, Ch. 3, Pt. 10. by *Rochelle.

*Senate Bill No. 0281 -- Administrative Procedure -- Revises effective date of rules and regulation promulgated pursuant to UAPA. Amends TCA, Title 4, Ch. 5, Pt. 2. by *Haynes.

*Senate Bill No. 0445 -- Gambling -- Requires court to order destruction of forfeited gambling devices unless district attorney general petitions for and court grants alternate disposition for each device. Amends TCA 39-17-505. by *McNally.

*Senate Bill No. 0659 -- Real Property -- Revises procedure of updating real property values in the third year of review cycle in certain circumstances. Amends TCA, Title 67, Ch. 5. by *Hamilton, *Patten, *Koella.

*Senate Bill No. 0700 -- Medical Occupations -- Requires board of medical examiners to certify as a physician assistant an individual licensed in another state who has practiced for ten consecutive years in that state prior to seeking certification in Tennessee. Amends TCA 63-19-105. by *Rochelle.

*Senate Bill No. 0745 -- District Attorneys -- Adds additional secretarial position in eighth judicial district, effective July 1, 1993. Amends TCA 18-2-506. by *O'Brien, *McNally, *Wallace.

*Senate Bill No. 0828 -- Sentencing -- Requires that any inmate

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convicted of escape be excluded from consideration for early release under Emergency Powers Act. Amends TCA 41-1-504. by *Crowe.

***Senate Bill No. 0845 -- Day Care --** Requires certain family day homes, group day homes and day care centers to advise parents of five year olds that attendance at such will not comply with mandatory kindergarten prerequisite for enrollment in first grade. Amends TCA 49-6-201; Title 71, Ch. 3, Pt. 5. by *Ford, *Harper.

Senate Bill No. 0882 -- Medicare and Medicaid -- Adds certified pediatric nurse practitioners and certified family nurse practitioners as required by federal law to kinds of medical services eligible for reimbursement under medicaid program. Amends TCA 71-5-107. by *Womack, *Hamilton, Crowe.

***Senate Bill No. 1205 -- Codes --** Adopts American National Standard Electrical Safety Code edition dated July 10, 1992, instead of present edition dated August 1, 1989. Amends TCA 68-101-104. by *Rochelle.

CONSENT CALENDAR

April 5, 1993

The following local bills have been placed on the Consent Calendar for Monday, April 12, 1993: House Bill No. 1632.

ROLL CALL

The roll call was taken with the following results:

Present 92

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Brooks, Brown, Buck, Byrd, Callcott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

On motion of Rep. Parcell, the House recessed until 2:00 p.m., Wednesday, April 7, 1993.